

## **Chapter 9 – Right-to-Farm**

### **9.1 RIGHT-TO-FARM**

#### **9.1.1 Purpose**

It is the intent of this section to conserve, protect, and encourage the continued use and improvement of agricultural land in Dodge County for the production of agricultural products. Additionally, this Right-to-Farm section is designed to preserve the right of farmers to produce, without unnecessary interference, agricultural products using generally accepted agricultural practices and to discourage the encroachment of non-agricultural land uses into rural areas.

#### **9.1.2 Applicability**

The provisions of this section shall apply to all land use change applications within the jurisdiction of this Code.

#### **9.1.3 Limitation on Private Action**

**9.1.3.A** An agricultural use or agricultural practice is not, nor shall it become, a nuisance if the following apply:

**9.1.3.A.1** The agricultural use or agricultural practice alleged to be a nuisance is conducted on, or on a public right-of-way adjacent to, land that was in agricultural use without substantial interruption before the plaintiff began the use of property that the plaintiff alleges was interfered with by the agricultural use or agricultural practice; and

**9.1.3.A.2** The agricultural use or agricultural practice does not present a substantial threat to public health or safety.

**9.1.3.B** However, this section shall not apply in the case of a negligent agricultural operation.

#### **9.1.4 Development Review**

In reviewing any application for a land use change, the Committee shall, to the maximum extent feasible, ensure that such change does not adversely affect any existing agricultural operation on land not subject to the land use change, including access to active agricultural operations.